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12 UNITED STATES DISTRICT COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA
15
16 SAN FRANCISCO DIVISION

FENWICK & WEST LLP
ATTORNEYS AT LAW
SAN FRANCISCO

17 IN RE TESLA, INC. SECURITIES
18 LITIGATION

Case No.: 3:18-cv-04865-EMC

**STIPULATION AND ~~PROPOSED~~
ORDER SETTING BRIEFING
SCHEDULE FOR RESPONDING TO
CONSOLIDATED AMENDED
COMPLAINT AND CONTINUING
CASE MANAGEMENT CONFERENCE
AND ASSOCIATED DEADLINES**

(Civil L.R. 6-1(b) and 16-2)

Judge: The Honorable Edward M. Chen

Date Action Filed: August 10, 2018

1 WHEREAS, on August 14, 2018, the Court issued an Initial Case Management
2 Scheduling Order;

3 WHEREAS, on September 28, 2018, the Court vacated the Initial Case Management
4 Conference and associated deadlines in light of the Private Securities Litigation Reform Act of
5 1995, Pub. L. No. 104-67, 109 Stat. 737 (1995) (the “Reform Act”), which sets forth specialized
6 procedures for the administration of securities class actions, including appointment of lead
7 plaintiff and consolidation (15 U.S.C. § 78u-4 (a)(3)(B)(ii));

8 WHEREAS, on November 15, 2018, the Court set a status conference for January 17,
9 2019 at 10:30 a.m.;

10 WHEREAS, on November 27, 2018, the Court issued an order (1) consolidating this case
11 and eight additional proposed class actions, each alleging violations of the federal securities laws
12 against defendants Tesla, Inc. and Elon Musk (collectively, “defendants”); (2) granting movant
13 Glen Littleton’s (“Lead Plaintiff”) motion for appointment as Lead Plaintiff and approving
14 Littleton’s selection of Levi & Korsinsky, LLP as Lead Counsel; and (3) ordering Lead Plaintiff
15 to file a consolidated amended complaint within 45 days (*i.e.*, by January 11, 2019);

16 WHEREAS, on December 13, 2018, in light of pending motions for reconsideration
17 regarding the appointment of Lead Plaintiff, the Court stayed its order regarding the timing of
18 filing the consolidated amended complaint;

19 WHEREAS, on December 17, 2018, the Court denied the motions for reconsideration and
20 ordered Lead Plaintiff to file the consolidated amended complaint within 30 days (*i.e.*, by January
21 16, 2019);

22 WHEREAS, defendants anticipate filing motion(s) to dismiss in response to Lead
23 Plaintiff’s consolidated amended complaint;

24 WHEREAS, pursuant to the Reform Act, all discovery and other proceedings shall be
25 stayed during the pendency of any motion to dismiss, unless the court finds upon the motion of
26 any party that particularized discovery is necessary to preserve evidence or to prevent undue
27 prejudice to that party (15 U.S.C. § 78u-4(b)(3)(B));
28

WHEREAS, counsel for the parties respectfully submit that because a consolidated amended complaint will not be filed until January 16, 2019, and defendants will be moving to dismiss, good cause exists to vacate the January 17, 2019 status conference and associated deadlines until such time as the Court has the opportunity to rule on any motion(s) to dismiss; and

WHEREAS, the parties have met and conferred and agreed on a briefing schedule in connection with motion(s) to dismiss Lead Plaintiff's consolidated amended complaint;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, subject to the approval of the Court, that:

1. Defendants shall move to dismiss or otherwise respond to Lead Plaintiff's consolidated amended complaint on or before March 7, 2019;
2. Lead Plaintiff shall file any opposition thereto on or before April 26, 2019;
3. Defendants' reply shall be filed on or before May 31, 2019; and
4. Pursuant to Civil L.R. 16-2, the Status Conference scheduled for January 17, 2019 be vacated, along with any associated deadlines under the Federal Rules of Civil Procedure and Civil Local Rules or by Court Order, to be reset for a date that is 30 days after the Court rules on defendants' anticipated motion(s) to dismiss, or such other date as the Court shall determine to be appropriate; and all associated ADR Program deadlines likewise be deferred.

Dated: January 3, 2019

FENWICK & WEST LLP

By: /s/ Jennifer C. Bretan

Jennifer C. Bretan

Attorneys for Defendants Tesla, Inc. and Elon Musk

Dated: January 3, 2019

LEVI & KORSINSKY, LLP

By: /s/ Adam M. Apton

Adam M. Apton

Attorneys Lead Plaintiff Glen Littleton

Pursuant to Local Rule No. 5-1(i)(3), all signatories concur in filing this stipulation.

Dated: January 3, 2019

By: /s/ Jennifer C. Bretan

Jennifer C. Bretan

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~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: January 3, 2019



Hon. Edward M. Chen
United States District Court Judge

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